Case 1:00-cr. 1:00-cr

UNIT	TED STATES OF AMERICA,)		
	Plaintiff,)	Case No.	1:00-cr-05324-AWI
	VS.)	<u>DETENTI</u>	ON ORDER
DAVID RAY LYNCH,)		
	Defendant.))		
Α.	Order For Detention	•	10 II C C 8 21 42	(O a Calla Da il Da Carra A ad alla Carra
	orders the above-named defendan			(f) of the Bail Reform Act, the Court § 3142(e) and (i).
В.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.			
C.	in the Pretrial Services Report, an X (1) Nature and circumsta X (a) The offense: is a serious crime a (b) The offense is a (c) The offense inv	nd includes to nces of the of Supervand carries a a crime of vivolves a narc	the following: offense charged: vised Release Probation maximum penalty of: iolence.	
	defendant unk. The defend unk. The defend unk. The defend unk. The defend The defend X Past condu by The defend The defend X The defend The defend The defend The defend The defend The defend	teristics of the second and appears will appear, dant has no second and has no second and the second and does no let of the defendant has a hidant has a hidant has a signal and has a signal and the second and the sec	to have a mental cond family ties in the area. steady employment. substantial financial real long time resident of the thave any significant of fendant: an inability r-imposed court order story relating to drug a story relating to alcohologificant prior crimina	sources. he community. community ties. and/or unwillingness to abide r(s). buse. ol abuse.

(b) Whether the defendant was on probation, parole, or release by a court: At the time of the current arrest, the defendant was on: X Probation Parole Release pending trial, sentence, appeal, or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. (4) The nature and seriousness of the danger posed by the defendant's release are as follows: (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. §3142(e) which the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (A) A crime of violence; (B) An offense for which the maximum penalty is life imprisonment or death; (C) A controlled substance violation which has a maximum penalty of 10 years or more; or, (D) A felony after the defendant had been convicted of 2 or more prior offenses described in (A) through (C) above, and the defendant has a prior conviction for one of the crimes mentioned in (A) through (C) above which is less than 5 years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably assure the appearance of b. the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (A) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (B) That the defendant has committed an offense under 18 U.S.C. §924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device). D. **Additional Directives** Pursuant to 18 U.S.C. §3142(i)(2)-(4), the Court directs that: The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; the defendant be afforded reasonable opportunity for private consultation with counsel; and, that on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding. IT IS SO ORDERED. **Dated:** March 20, 2008 /s/ Sandra M. Snyder

UNITED STATES MAGISTRATE JUDGE

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